

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**LONNIE COTTON,  
et al.,**

**Plaintiffs,**

**CIVIL ACTION NO. 06-CV-15208-FL**

**VS.**

**DISTRICT JUDGE PAUL V. GADOLA**

**TIMOTHY R. SASSAK,  
et al.,**

**Defendants.**

**MAGISTRATE JUDGE MONA K. MAJZOUB**

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**OPINION AND ORDER STRIKING PLAINTIFFS' MOTION TO COMPEL**

Before the Court is Plaintiffs' Motion to Compel filed on December 13, 2007. (Docket no. 41). Defendant Shaw is the only Defendant who has responded to the motion. (Docket no. 45). This motion has been referred to the undersigned for decision. (Docket no. 43). The Court dispenses with oral argument, and the motion is now ready for ruling.

Defendant Shaw contends that Plaintiffs failed to seek concurrence in this motion as required by E.D. Mich. LR 7.1. (Docket no. 45). Local Rule 7.1 requires, if concurrence is not obtained, that the motion state that there was a conference in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought, or that despite reasonable efforts specified in the motion the movant was unable to conduct a conference. E.D. Mich. LR 7.1(a).

Plaintiffs' motion fails to satisfy Rule 7.1(a). It states that "Plaintiff's counsel will make every good faith effort to resolve any outstanding disputes with the Defendants [sic] counsel prior to any hearing set on this matter." (Docket no. 41 at 2). As the Rule makes clear, the attempt to resolve the matter by conference must occur before the motion is filed. Plaintiffs fail to show that they sought concurrence as the Rule requires. Accordingly, Plaintiffs' motion will be stricken.

**IT IS THEREFORE ORDERED** that Plaintiffs' Motion to Compel (docket no. 41) is **STRICKEN**. The Court's docket will be edited to reflect that docket no. 41 is stricken and deemed not a part of the record of this case.

**NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: January 31, 2008

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this order was served upon Counsel of Record on this date.

Dated: January 31, 2008

s/ Lisa C. Bartlett  
Courtroom Deputy